

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2012

***ROUGH DRAFT
JOURNAL***

**THIRTY-NINTH DAY
MARCH 27, 2012**

OFFICE OF THE CHIEF CLERK

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THIRTY-NINTH DAY

Tuesday, March 27, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:04 o'clock p.m., with Speaker Say presiding.

The invocation was delivered by Representative Gil Riviere, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Herkes, Manahan, McKelvey and Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 231) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 231, dated March 19, 2012, transmitting the 2011 Report of the State of Hawaii Efforts to Increase the Number of High-Skilled Jobs in Targeted Industry Clusters, prepared by the Department of Business, Economic Development, and Tourism pursuant to Section 201-16, HRS.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 426 and 427) were received and announced by the Clerk:

Sen. Com. No. 426, transmitting H.B. No. 2639, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," which passed Third Reading in the Senate on March 23, 2012.

Sen. Com. No. 427, transmitting H.B. No. 1754, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 23, 2012.

Representative Chong moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Carroll, Herkes, Manahan, McKelvey and Oshiro were excused.)

H.B. No. 1754, HD 1, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Johanson, on behalf of Representatives Giugni, Takai, Ichiyama and himself, introduced the 4th grade students of Red Hill Elementary. They were accompanied by their teachers and aides, Mr. Kurt Chang, Mr. Jason Cordero, Ms. Shannon Garam, and Ms. Cherie Burton; and parents, Mr. Thomas, Mr. Chun, Mrs. Lupo, and Mr. Dan.

Representative Riviere introduced the 8th grade students of Wheeler Middle School and their teachers, Ms. Erin Mendelson and Ms. Carol Crews; and Educational Assistant, Ms. Edie Hiroe.

Representative Ching introduced Mrs. Leslie Lam, Executive Director for the American Diabetes Association in Hawaii.

Representative Ward introduced former Honolulu City Councilman, Mr. John Henry Felix.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 188) was announced by the Clerk and the following action taken:

H.R. No. 188, entitled: "HOUSE RESOLUTION COMMENDING THE EXEMPLARY EFFORTS OF THE AMERICAN DIABETES ASSOCIATION HAWAII IN COMBATING DIABETES IN HAWAII AND PROVIDING DIABETES EDUCATION THROUGH ITS PROGRAMS, COMMUNITY EVENTS, AND MEDICAL EXPERTISE," was offered by Representative Yamane.

Representative Yamane moved that H.R. No. 188, be adopted, seconded by Representative Morikawa.

Representative Yamane commended the American Diabetes Association on their mission to promote awareness and prevention of diabetes, and introduced the honorees seated on the Floor of the House:

Ms. Gayle Ishima, Past Chair of the American Diabetes Association of Hawaii;

Ms. Jane Kadohiro, Past Chair of the American Diabetes Association of Hawaii;

Dr. Laurie Tom, Past Chair of the American Diabetes Association of Hawaii;

Ms. Sharlene Tsuda, Community Leadership Board Executive Committee of the American Association of Hawaii.

Representative Yamane also recognized and thanked the many volunteers, members and staff in Gallery.

Representative Ching also thanked the American Diabetes Association for their programs to help save the gems of our State.

Representative Awana applauded the Diabetes Association for their work to promote educational programs and the prevention of diabetes.

Representative Rhoads offered his personal thanks to the Diabetes Association and stressed the importance of diabetes screening and living a healthy lifestyle.

The motion was put to vote by the Chair and carried, and H.R. No. 188, was adopted, with Representatives Carroll, Manahan, McKelvey and Saiki being excused.

The following resolution (H.R. No. 189) was announced by the Clerk and the following action taken:

H.R. No. 189, entitled: "HOUSE RESOLUTION CONGRATULATING 'AIEA HIGH SCHOOL ON THE OCCASION OF ITS 50TH ANNIVERSARY," was offered by Representative Giugni.

Representative Giugni moved that H.R. No. 189, be adopted, seconded by Representative Takai.

Representative Giugni congratulated the Na Alii of Aiea High School on 50 years of excellent service to the community and to the State, and for standing as a beacon of knowledge, community spirit, hard work, innovation and progress, and introduced the honorees representing Aiea High School who were seated on the Floor of the House:

Mr. Michael Tokioka, Principal;

Ms. Nancy Hsu, President of the Parent Teacher Student Organization;

Ms. Justine Bolosan, President of the Student Association;

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Ms. Sierra Callihan, Vice President of the Student Association; and Ms. Lynette Serrao of the Alumni Association.

Representative Giugni then introduced faculty, alumni and friends who were seated in the Gallery:

Tyler Imig, Tumia Tuimavave, Leona Kaapuni, Jennifer Sanchez, Liz Bege, Jerilyn Miyaji, Denise Villafior, and Twylla Dawn Steer.

Representative Takai thanked Aiea High School for all they do for the students and the community, and wished them much success in the next 50 years.

The motion was put to vote by the Chair and carried, and H.R. No. 189, was adopted, with Representatives Carroll, Manahan, McKelvey and Saiki being excused.

At 12:28 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:39 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1324-12), recommending that H.R. No. 43, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND THE HIGH SCHOOL DROP OUT RATE," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1325-12), recommending that H.C.R. No. 62, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND THE HIGH SCHOOL DROP OUT RATE," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1326-12), recommending that H.R. No. 81, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 81, entitled: "HOUSE RESOLUTION PROPOSAL TO STUDY THE LESSONS LEARNED BY ISRAELI SOLAR ENERGY INITIATIVES AND THEIR APPLICABILITY TO THE STATE OF HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1327-12), recommending that H.C.R. No. 110, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION PROPOSAL TO STUDY THE LESSONS LEARNED BY ISRAELI SOLAR ENERGY INITIATIVES AND THEIR APPLICABILITY TO THE STATE OF

HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1328-12), recommending that H.C.R. No. 108, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A REVIEW AND MAKE RECOMMENDATIONS ON THE REMOVAL OF MARINE DEBRIS CREATED BY THE 2011 TSUNAMI IN JAPAN," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1329-12), recommending that H.R. No. 9, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1330-12), recommending that H.C.R. No. 13, be referred to the Committee on Finance.

Representative Chong moved that the reports of the Committee be adopted, and that H.R. No. 9; and H.C.R. No. 13, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. Just in strong support. I think this is a great idea. A number of streets in my district are proposed to be widened and we question the wisdom of that. Our elderly population as it is, it takes them so long to traverse the wider streets. It's against the walkable, livable community."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO REVIEW ITS POLICIES REGARDING STREET AND ROAD WIDENING, WITH REGARD TO THEIR IMPACT ON PEDESTRIAN SAFETY," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused; and

H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO REVIEW ITS POLICIES REGARDING STREET AND ROAD WIDENING, WITH REGARD TO THEIR IMPACT ON PEDESTRIAN SAFETY," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 1331-12), recommending that H.R. No. 4, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 4, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1332-12), recommending that H.C.R. No. 104, be referred to the Committee on Higher Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO DESIGNATE THE MAGOON RESEARCH AND TEACHING FACILITY SITE FOR THE UNIVERSITY OF HAWAII AT MANOA COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," was referred to the Committee on Higher Education, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Tsuji, for the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 1333-12), recommending that H.R. No. 73, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1334-12), recommending that H.C.R. No. 101, be referred to the Committee on Finance.

Representative Chong moved that the reports of the Committee be adopted, and that H.R. No. 73; and H.C.R. No. 101, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Mr. Speaker. Sorry to be getting up so often, but I just think these are wonderful ideas. And to promote our Hawaii-grown agriculture is a win-win, because it promotes green and open space, as well as our economy, and helping jobs. And hopefully the health of our people. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT AN INCENTIVE PROGRAM TO PROMOTE THE PURCHASE OF HAWAII-GROWN AGRICULTURAL COMMODITIES," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused; and

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT AN INCENTIVE PROGRAM TO PROMOTE THE PURCHASE OF HAWAII-GROWN AGRICULTURAL COMMODITIES," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1335-12), recommending that H.R. No. 74, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 74, entitled: "HOUSE RESOLUTION CONVENING AN AGRICULTURE POLICY TASK FORCE TO REVIEW AGRICULTURAL POLICIES FROM OTHER STATES IN PROVIDING FOR HAWAII'S AGRICULTURE INDUSTRY," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1336-12), recommending that H.C.R. No. 102, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING AN AGRICULTURE POLICY TASK FORCE TO REVIEW AGRICULTURAL POLICIES FROM OTHER STATES IN PROVIDING FOR HAWAII'S AGRICULTURE INDUSTRY," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1337-12), recommending that H.R. No. 75, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 75, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE DEPARTMENT OF AGRICULTURE'S EFFORTS TO STIMULATE THE STATE'S AGRICULTURE INDUSTRY, INCREASE AND DIVERSIFY AGRICULTURAL OUTPUT, AND PROMOTE FOOD SECURITY," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1338-12), recommending that H.C.R. No. 103, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE DEPARTMENT OF AGRICULTURE'S EFFORTS TO STIMULATE THE STATE'S AGRICULTURE INDUSTRY, INCREASE AND DIVERSIFY AGRICULTURAL OUTPUT, AND PROMOTE FOOD SECURITY," was referred to the Committee on Finance, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki were excused.)

THIRD READING

S.B. No. 2503, SD 1, HD 1:

Representative Chong moved that S.B. No. 2503, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2503, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki being excused.

At 12:43 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2503, SD 1, HD 1

ANNOUNCEMENTS

Representative Choy: "Yes, Mr. Speaker. I have a birthday announcement to make. Today is Representative Mark Nakashima's office manager Lori Hasegawa's birthday. And I have to admit that for being 75, she looks pretty good. And just as a coincidence, it is also Representative Mark Nakashima's birthday today. And for being 25, he looks pretty haggard. Thank you, Mr. Speaker."

Representative Awana: "Thank you, Mr. Speaker. On a more somber note, I'd like to request a moment of silence at the appropriate time, to note the passing of King George Tupou of Tonga, also known as Siaosi

Tāufa'āhau Manumataongo Tuku'aho Tupou V. He was a champion of his people by moving Tonga closer to democracy. And then shortly after he took the throne in 2006, the people of Tonga demanded greater participation in his destiny, so King George rose to the occasion and relinquished most of his power to an elected government system after 165 years of a reigning monarchy.

"He was truly a leader with a heart for his people. He was laid to rest earlier today in his homeland where his services were held in Nuku'alofa, the Capitol of Tonga. At the appropriate time, I request that our thoughts go out to the Country of Tonga, the Royal family, and the Tongan people who reside in Tonga, as well as living outside of their homeland in this time of mourning. Thank you, Mr. Speaker."

Representative Fontaine: "Yes, Mr. Speaker. I would also like to request a moment of silence for the victims who passed this weekend on Maui. We had five young adults that were killed in a very tragic car accident in Kula, and at the appropriate time that we could pray for their families."

Representative Ching: "Thank you, Mr. Speaker. On the Fourth Floor, the American Diabetes Association will be having some activities there."

Representative Brower: "Thank you, Mr. Speaker. I just wanted to thank everyone who participated in our House kickball game over the weekend. All members had a great time and we want to thank the Legislator from Hanalei for bringing the food. Both he and I have very sore muscles."

"Mr. Speaker, it was Republicans against Democrats, and it went into an extra-inning game. I would just like to remind the GOP, that everyone was a winner that day. Participants from both teams after that game, went on to form The Bipartisans led by the Democrat from Waipahu and the Conscience of Waikiki. We won a game. And then we went from the dirt field to the grass field, where we lost a very exciting, well-played game to California Pizza Kitchen."

"So we would just like to thank everyone who participated, staff and Members. We'd like to thank the Majority Leader and the Representative from Waiialua, Haleiwa for everyone's efforts to support these teams. Thank you."

Representative Ward: "Mr. Speaker, just in case there's any doubt in anyone's mind, we were all winners. The Democrat Majority and the Republican Minority. However, we had one score higher than theirs. Five to four. Thank you."

Representative Brower: "Mr. Speaker, in fairness. Democrats were more interested in throwing the ball at the Hawaii Kai Legislator than scoring runs."

Speaker Say: "The Chair has an announcement for all of you. If there are no further announcements, the Chair would like to remind everyone that tomorrow, we'll hold our Regular Session at noon, and then convene in Joint Session at 2:00 p.m. in this Chamber for the Hawaii Medal of Honor Ceremony."

"Before calling for the Adjournment, let's all stand for a moment of silence for King Tupou, and the five individuals who died on the Island of Maui, Upcountry Kula."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late King George Tupou V of Tonga; and for the 5 people who died in a recent car accident in Kula, Maui.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. No.

Re-referred to:

137

Committee on Health, then to the Committee on Legislative Management

H.C.R. No.

Re-referred to:

177

Committee on Health, then to the Committee on Legislative Management

S.B. No.

Re-referred to:

2816,
SD1

Committee on Finance

ADJOURNMENT

At 12:43 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 28, 2012. (Representatives Carroll, Kawakami, Manahan, McKelvey and Saiki were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 27, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bill:

H.B. No. 1754, HD 1, SD 1